

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Philip G. Reinhard	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	97 CR 50005	DATE	12/27/2002
CASE TITLE	U.S.A. vs. NORMAN P. KOSTER		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] For the reasons stated on the reverse Memorandum Opinion and Order, the court is without jurisdiction to entertain this motion for writ of habeas for relief of conviction pursuant to Rule 60(b)(1), (2), (3), (6) and it is dismissed. Koster's separate motion for bail is denied.

- (11) ☒ [For further detail see order on the reverse side of the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials /SEC	U.S. DISTRICT COURT 2002 DEC 27 PM 2:38 Date/time received in central Clerk's Office	number of notices	Document Number 130
			DEC 27 2002 date docketed	
			<i>[Signature]</i> docketing deputy initials	
			12-27-02 date mailed notice	
			<i>[Signature]</i> mailing deputy initials	

MEMORANDUM OPINION AND ORDER

Petitioner, Norman P. Koster, a federal prisoner, has filed what he labels as a motion for writ of habeas for relief of conviction pursuant to Rule 60(b)(1),(2),(3),(6). In the motion he raises various issues which he contends show ineffective assistance of trial counsel and appellate counsel for failing to raise such issues in his prior motions brought under 28 U.S.C. § 2255. Koster's conviction on direct appeal was affirmed in United States v. Koster, 163 F.3d 1008 (7th Cir. 1998). His § 2255 motion was denied by this court on September 26, 2000, and the Court of Appeals denied his request for a certificate of appealability on March 14, 2001. A request for a second or successive petition for review was denied by the Court of Appeals on August 23, 2002. Rule 60(b) generally cannot be used as an end run around the federal habeas corpus prohibition against a second or successive application for habeas relief in the district court. See 28 U.S.C. § 2244(b)(1)(2), (3)(A); Harris v. Cotton, 296 F.3d 578, 579 (7th Cir. 2002). The present motion does not raise any appropriate basis set forth in § 2244(b)(2) for the failure to raise these issues in his first § 2255 motion, nor any other reasons to grant Rule 60(b) relief. See Dunlap v. Litscher, 301 F.3d 873 (7th Cir. 2002).

This court is without jurisdiction to entertain this motion and it is dismissed. Foster's separate motion for bail is denied.